

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

S&B Trucking, Inc.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER FOR THE PARTIAL
)	DISBURSEMENT OF DEPOSITED
Buehner Construction LLP,)	FUNDS
)	
Defendant/Third Party)	
Plaintiff,)	
)	
vs.)	
)	
Barnes Trucking, William McCorquodale,)	
High Plains Trucking, Ross McCorquodale,)	
Shawn Murschel/Cities Trucking, Zerck)	
Logging, LLC, Mike Pollesch/Pollesch,)	Case No. 1:11-cv-080
LLC, Booth Trucking, Evans Excavating,)	
LLC, KT Trucking, Rock Shop, LLC, B.)	
Phillips Auto Corp.,)	
)	
Third Party Defendants.)	

In May 2012, Defendant Buehner Construction LLP (“Buehner”) deposited \$184,320.00 (hereinafter referred to as the “deposited funds”) with the court pursuant to its stipulation with Plaintiff S&B Trucking, Inc. (“S&B”). See Docket Nos. 47, 48, and 50.

On July 19, 2012, S&B, Buehner, and Third Party Defendant Barnes Trucking filed a stipulation for the release of \$42,000 of the deposited funds to Ben Oil Co., Inc. with the understanding that it did not affect any of the parties other rights or claims to the remainder of the deposited funds.

The court **ADOPTS** the parties stipulation (Docket No. 65) and hereby **ORDERS** the disbursement of \$42,000 of the deposited funds to Benz Oil Co., Inc., 700 27th Ave. S.E., Killdeer, ND 58640, for payment of S&B's fuel bill. No interest is being withdrawn from the deposited funds. Consequently, no W-9 form is needed to accomplish this withdrawal.

IT IS SO ORDERED.

Dated this 20th day of July, 2012.

A handwritten signature in black ink, appearing to read 'C. Miller', written over a horizontal line.

Charles S. Miller, Jr.
United States Magistrate Judge